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DRUGGISTS

WHEELING, WEST VA., THURSDAY MORNING, JANUARY 18, 1866.

RATES OF SUBSCRIPTION.

200 three months 1 1 2

of Representatives at Washington. We received from Washington yes Representatives in reference to countle

of Berkeley and Jefferson:

ARTENTO TO ALL MATE
The Committee on the Judiciary, to whom
was referred House resolution No. 17,
"A jointnesselution giving the consent
of Congress to the transfer of the counties of Berkeley and Jefferson from the
State of Verginia to the State of West
Virginia," now report:
That Impediately after the passage
of the ordinants of section by the
Virginia Convention and the announce
ment of its ratification, the people of
the northern and western portion of the
State of Wheeling, and organized a goveernment, and restored the State of Virginia to its allegiance to the Constitution and Government of the United
States.

States.

This restored government was for a time, at least, and until recently, recognized by all the departments of the federal government is the lawful and constitutional government of the State of Virginia. Senators, elected by its legislature, and representatives, whose election was certified by its governor, have been received and recognized by Conserved and representatives.

been received and recognized by Congress as the senators and representatives of the State of Marginia in the Congress of the United States (2011). Trancis H. Beirpoint, who was elected temporary and provisional governor by the convention which assembled on the 11th day of June (14. D. 1881, and was afterward elected governor by the people under the restored government, still holds his office under that election, has been recognized by all the departments of this government as Governor.

people under the restored government, still holds his office under that election, has been recognized by all the departments of this government as Governor of the State of Virginia, and is now so recognized by the people of Virginia. On the 20th day of August, A. D. 1861, the Wheeling convention passed an ordinance oprovide for the formation of new State out of a portion of the territory of the State of Virginia.

The first, section of the ordinance enumerated the counties which shall compose the counties of the new State, and the second section provided that the sonvention "may change the boundaries described in the first, section, so as to include within the proposed State the counties of Greenbrier and Pocahontas, or other of them, and also such other counties, as he contiguous to said boundaries, or to the counties named in this section," &c.

"The accounting provided for in the

ordinance was elected, and assembled in pursuance of it, and agreed upon a constitution on the 26th day of. November, A. D. 1861, which was submitted to the people and ratified by shem on the 3d day of May, A. D. 1852. This constitution includes within the new State the counties mentioned in the ordinance, and also Greenbries. Pochhontas, Hampshire, Hardy and Morgan, and the county of Pendleton, which lies adjacent to the county of Hardy.

The second section of the first article of the "constitution" after 'naming the counties absolutely made part of the State, provides: "And if a majority of the votes cast at the election or elections held as provided in the schedule hereof, in the district composed of the counties of Pendleton, Hardy, Hampshire and Morgan; shall be in favor or the adoption of this constitution, the said four two of the shall say be included in and

nnder the act of the legislature of Virginia, of May 18, 1862.

But the legislature of Virginia, still determined that these counties should have an opportunity of going into the new State, if the people desired it, on the 31st day of January, A. D. 1865, passed the following law.

An Act growing the consent of the State of Virginia to the county of Berkeley being admitted into and becoming part of the State of West Virginia.

Whereas, by the constitution for the

of the State of West Present.
WHEREAS, by the constitution for the
State of West Virginia, ratified by the
people thereof, it is provided that additional theritory may be admitted into
and become part of said State, with
the consent of the legislature thereof,
and it is represented to the general insentials the statements of the country.

and it is represented to the general assembly that the people of the county of Berkeley are desirous that said county should be admitted into and become part of the said State of West Virginia.

1. Be it enacted by the general assembly That polls said becopened and held on the fourth Therday of May next, at the several process for halding elections in the county of Berkeley, for the purpose of taking the sense of the qualified voters of said county in the quantified of including said county in the State of West Virginia.

2. The pell-books shall be headed as follows, virginial the county of Barke.

was therefore supposed by the Senators and Representatives of West Virginia in Congress, that insermed as West Virginia was not a Seate, and had not the capacity to enter into any "compact or agreement" with the State of Virginia, that the action of the State of Virginia, that the action of the State of Virginia, in providing the means of transsuch transfer, was not a "compact or agreement," within the meaning of the

State. Passed November 2, 1863.

Be it enacted by the legislature of West Virginia! 1st, the county of Jefferson, ately constituting part of the Commonwealth of Virginia, is hereby admitted nto and made part of this State, and hall constitute part of the second concressional district of the tenth senatoial district and of the tenth judicial circuit; and shall, at the election herein

lected and disbursed, according to the letted and disbursed, according to the laws of West Virginia. Courts, civil and criminal, have been exercising juries executions, selling property, real and personal, and making titles thereto.

Ofenders against the laws baye been convicted and sentenced to fines and imprisonment in the county jall and in the penitentiary.

Wills have been probated and recording the sentence of the senten

HUTAGT OF BUCH IN ALL PROPERTY OF THE PROPERTY

ing these counties to the State of statisticities, and giving her assent to haransfer, was not a "compact or ement," within the meaning of the stitution of the United States, and therefore no ratification by Consa was necessary to the yalldity of transfer.

Le was also supposed that inasmuch the Constitution of the State made an onessprovision for the sequisition of the Constitution of the State made an onessprovision for the sequisition of se considering a vote of the people, I had in express terms anthorized acquisition of additional territory the consent of the legislature; all of the have been approved and ratified. Congress in admitting the State into fillow, that no further ratification if he required.

Congress in admitting the State into fillow, that no further ratification if the required.

At admitting the county of Berkeley, as follows: the county of Berkeley, as follows: the county of Berkeley and and made part of the State, and ill constitute part of the tenth sensial district and of the tenth sensition of the state of the sensition of the state of Virginia as the vote of the sensition of the sensition of the sensition of the sensi

ley counties adjacent to them. And its certainly not desirable to multiply or increase the number of State Jurisdictions that are to have authority over so important a thoroughfare as the Baltimore and Ohio railroad.

Your committee cannot conceive how any good can result from another vote, while the postponement of the final settlement of the question cannot fail to be productive of strife, and animosity, and discord, very prejudicial to the best interests of the community.

It is perfectly clear to your committee that Congress has no power to astitute any measures or proceedings to change the boundaries of adjacent States or to transfer territory from one to another. The States alone can make any changes in their boundaries or transfer territory from one to another, and Congress has no power over the subject except to raiffy what they may do; and certainly the power to raiffy implies the power to refuse to raiffy.

In the case of Green es. Biddle, 8 Whenton, 1 to 10s, the Supreme Court of the United States had before it the clause of the Constitution which prohibits any two or more States from entering into any compact or agreement without the consent of Congress. The compact before the court in that case was the compact between the States of Virginia and Kentucky, preparatory to the admission of the latter State into the Union.

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Robert Gilsson. R. A. M. Cabe.
J. C. Thomas. T. M. Dodson.
J. L. Stielle. S. P. HILDRETH, Cashier. nov2

DIRECTORS.

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JAMES W. PAXTON, President GIBSON LAMB, Cashier. oc7-6m FIRST

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to declare by their votes whether the counties of the said last named district shall be annexed to and become a part of the State of West Virginia; also, at the same time, the district composed of the counties of the said last named district shall be annexed to and Prince William, to declare by their votes whether the counties of the said last named district shall be annexed to and become a part of the State of West Virginia; also, at the same time, the district composed of the counties of the said last is claimed that a full votewas virginia; also, at the same time, the district composed of the counties of the soid last is claimed that all might not Shenandoah, Warren, Page, and Rockingham, to declare by their votes whether the counties of the said last named district shall be annexed to and become a part of the said last name and the counties of the said last name and of the said districts, headed "For annexation," and "Against annexation." And the consent of this general assembly is hereby given for the annexation to the said districts, and therefore declined to pay any respect to its laws, or the order of its government as the legal and constitutional government of Virginia, and therefore declined to pay any respect to its laws, or the order of its government. The order of the whole of said districts and therefore declined to pay any respect to its laws, or the order of its government. The order of the whole of the whole of the counties of the whole of the counties of the said districts or each of the said districts and therefore declined to pay any respect to its laws, or the order of the specific or spect the wishes of those who desire another votes by what authority may we termine: Provided That the legislature of the substant and order.

Virginia and Kentucky, preparatory to the admission of the latter State into the Union.

The compact was contained in an act of the legislature of Virginia, passed December 18, 1789, and incorporated into the constitution of Kentucky as an article of compact. This compact was never expressly ratified by Congress, But the court held that the admission of Kentucky into the Union with this clause, in her constitution was an implied ratification of the compact.

In discussing this subject the court say, page 85 "Les it be observed, in the first pince, that the constitution makes no provision respecting the mode or form in which the consent of Congress is to be signified; very properly leaving that matter to the wisdom of that body," Hence the people of West Virginia claim that by the admission of that State into the Union, with section 16, article 4, in her constitution, Congress consented to the acquisition of these counties, and that no subsequent ratification is necessary to the validity of the transfer.

diction over her portion of the District, and in form it was done, though its constitutionality is yet to be determined.—
The transfer of sovereignty may be the exercise of an irrevocable power.—
The power when exercised may be regarded as functive office. The Constitution does not provide for the revocation of sovereignty, transferred.

But if the State of Virginia may repeal the laws and revoke the grant of jurisdiction over the counties of Berkeley and Jefferson to the State of West Virginia, why may she not repeal the law and revoke her consent to the creation of the State of West Virginia?

If it be said that the transfer of sovereignty and jurisdiction over the counties of Berkeley and Jefferson is incomplete for want of the ratification of Congress, we answer that it is not necessary that a grant should be formul and perfect, to invest the grantee with rights of which the grantor cannot divest him.—No matter however informal or irregular agrant may be infertious made and

cannot fall to be to foster and encou age a spirit of insubordination and di

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